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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,838

02/02/2005

Jan Westerlund

PAH-107

4572

7590

12/19/2005

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EXAMINER

SUCHECKI, KRYSZYNA

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/522,838	Applicant(s) WESTERLUND, JAN	
	Examiner Krystyna Suchecki	Art Unit 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12, 14, 15, 17, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 4, 13, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/02/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: Claim 1 does not properly introduce an "engagement element", and so proper antecedence is lacking for the term. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative. Claim 1 in particular fails to recite elements positively as portions of an apparatus.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-12, 14, 15, 17, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Maldonado (US 4,554,676).

Regarding Claim 1-3, 6-12, 14, 15, 17, 18 and 20, Maldonado teaches an arrangement relating to a sensor plate (46) for dental x-raying purposes, wherein the sensor plate is of an analogue type and is intended for one-time use, characterized in

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that the sensor plate carries elements (shown as folding over the edges of the plate from item 48) that are intended for engagement with a plate holding element in at least six different positions (as enabled by the combination of cooperation of A-D with P and the 2 orientations (right-side-up and up-side-down) of 46 possible with 48) in that the engagement elements are fixed on the sensor plate, characterized in that the engagement elements of the sensor plate are arranged at side elements (upper, lower and back sides) which are detachable from the sensor plate and characterized in that the holding element includes grooves (16) for engagement with the sensor plate engagement elements and includes a biting plate (14), a holding pin (18) and an alignment assisting element (22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maldonado in view of Schuller (US 4,941,164).

Maldonado teaches engagement member as above for claim 1 wherein a portion of a plate folds over to engage a sensor plate.

Maldonado fails to teach engagement elements comprising wire-like elements.

Schuller teaches the engagement of a sensor plate via wire-like engagement elements (Figure 2, items 15, 16). The wire-like element allows for the close

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engagement of a sensor element against another wall to hold the sensor (Column 5, lines 21-38).

Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the wire-like elements of Schuller for the fold-over elements of Maldonado for the benefit of holding a sensor element closely. The wire-like elements would hold the sensor element of Maldonado against wall (48) in a close manner.

Allowable Subject Matter

Claims 4, 13, 16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The allowability of the claims would also require correction of the objected claim above.

The following is a statement of reasons for the indication of allowable subject matter: claim 4 contains allowable subject matter for at least the reason that the prior art of record fails to teach or reasonably suggest an arrangement relating to a sensor plate for dental x-ray purposes wherein a sensor plate includes engagement elements arranged in the sensor plate for engagement with a plate holding element in at least three different position and the engagement elements including openings in the sensor plate as claimed. While Fabian (US 5,202,911) teaches alignment holes in a sensor element, the holes do not engage with a holder element in at least three different positions as claimed. As taught by Figure 6, the holes cooperate with a plate to keep the sensor plate in one particular orientation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Angotti (US 5,090,047) is of interest for also teaching a sensor plate with engagement elements that allow a sensor plate to be oriented at least six different ways with respect to a holder element. Donato (US 4,598,416) is of interest for teaching a case structure for an x-ray sensor plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krystyna Suchecki whose telephone number is (571) 272-2495. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Craig E. Church
Primary Examiner